

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Van Starling,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:15-cv-03636-TLW
	)	
Bryan P. Stirling, Director SCDC; Michael	)	
McCall, Deputy Director SCDC;	)	<b>ORDER</b>
Ms. Mitchell, CKI/MSU Caseworker; Larry	)	
R. Cartledge, Warden PCI; Curtis Earley,	)	
Major, PCI,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Van Starling, proceeding *pro se*, filed this action in the Court of Common Pleas for Greenville County. Defendants removed the case on September 10, 2015, pursuant to 28 U.S.C. § 1441 and § 1443. ECF No. 1. Defendants filed a Motion for Summary Judgment on January 18, 2016. ECF No. 42. Plaintiff filed a Response, ECF No. 53, Defendants filed a Reply, ECF No. 59, and Plaintiff filed a Sur-Reply, ECF No. 62. This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed on August 2, 2016 by United States Magistrate Judge Thomas E. Rogers, III, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends granting summary judgment and dismissing the case. ECF No. 67. Plaintiff filed Objections to the Report on August 18, 2016. ECF No. 69. This matter is now ripe for decision.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Housing Auth. of the City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has carefully reviewed the Report, the Plaintiff's objections, and relevant filings and concludes that the Magistrate Judge set forth specific facts and carefully analyzed the applicable law. The Magistrate Judge discussed the application of *Incumaa v. Stirling*, 791 F.3d 517 (4th Cir. 2015) and *Wilkinson v. Austin*, 545 U.S. 209 (2005), and noted that Plaintiff received proper reviews of his classification as an MSU inmate. ECF No. 67 at 23-28. This Court accepts the detailed factual and legal analysis by the Magistrate Judge in the Report over Plaintiff's objections. It is therefore **ORDERED** that the Plaintiff's Objections, ECF No. 69, are **OVERRULED**. The Magistrate Judge's Report and Recommendation, ECF No. 67, is hereby **ACCEPTED**, and, for the reasons articulated by the Magistrate Judge, Defendants' motion for summary judgment, ECF No. 42, is **GRANTED**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Chief United States District Judge

September 6, 2016  
Columbia, South Carolina